

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL WRIT PETITION NO.2223 OF 2006

Jaswant Singh Kartar Singh .. Petitioner

VS

The State of Maharashtra & Anr. Respondents

Shri Shekhar Ingawale i/b. S.S.Suryawanshi for the
petitioner.

Shri S.V.More, APP for the State.

Shri Y.M.Nakhwa, APP, for the Respondent No.2.

CORAM: S.K.SHAH, J.

DATE : 19th December, 2006.

P.C.

1. Heard learned Counsel on both sides.
2. The petitioner challenges the order passed by the Controller of Rationing, Mumbai, whereby the Respondent No.2 directed to release the tanker of the petitioner on the petitioner giving a written guarantee from a Nationalised Bank to the extent of the value of the Naphta.
3. The learned Counsel for the petitioner submits that he is ready to furnish Indemnity Bond instead of

Bank Guarantee as in case he has to give Bank Guarantee, he has to deposit huge amount of Rs.6 lakhs. The petitioner is a transporter having valid licence to transport Naphta. The learned Counsel for the petitioner also submits that in number of cases, the Controller of Rationing passed orders releasing the same on indemnity bonds. However, there is no reasoned order passed requiring the petitioner to furnish bank guarantee.

4. The petitioner is a transporter. The Naphta belongs to some other person.

5. Under the circumstances, order requiring the petitioner to furnish bank guarantee is hereby set aside. Instead, Naphta be returned to the petitioner on petitioner furnishing indemnity bond to the satisfaction of the Controller of Rationing.

Writ Petition accordingly stands disposed of.

. A copy of this order duly authenticated by the Associate of this Court be given to the parties.

(S.K.SHAH, J.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CRIMINAL WRIT PETITION NO. 2351 OF 2006

M/S. COMPETENENT

Prop. Nitin Ramakant Kulkarni ... PETITIONER

VERSUS

SHRI SHAIKH RAFIQ PAPAMIYA & Anr. RESPONDENTS

Mr. Vilas Tapkir for the petitioner.

Mr. S.V.More, APP, for the State.

CORAM: S.K.SHAH, J.

DATE : 19th December, 2006.

P.C.

1. The learned Counsel for the petitioner seeks to withdraw the petition with liberty to file Revision Application before the Sessions Court since in view of the Judgment passed by this Court, revision before the Sessions Court is maintainable.

2. The Petition is allowed to be withdrawn. The

petitioner shall file Revision before the Sessions Court within four weeks from today. If such Revision is filed, the same shall be disposed of by the learned Sessions Judge.

3. The proceedings before the trial Court shall stand stayed for a period of four weeks from today.

(S.K.SHAH, J.)